

## **EPA Brownfields ARC Grants: Getting Started on Your FY11 Grant Proposal August 26, 2010 Outreach Call**

To listen to the conference playback for the August 26 outreach call via the Web or over the phone, refer to the following instructions:

**Playback ID:** 101191238

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# EPA Brownfields ARC Grants:

## Getting started on your FY11 grant proposal....







# Getting Started on Your FY11 ARC Grant Proposal:

*Changes, Threshold Criteria, & Why start now?*

August 26, 2010

*Presented by:*

Brooks Stanfield

Mary Goolie

US EPA Region 10 Brownfields Program

<http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/bf>



# EPA Region 10 Presenters

## Presenters

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US EPA Region 10 Brownfields Program

<http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/bf>



# Road map for the next hour....

- Warm up –What are we talking about here?
- EPA Brownfields Grants – Types and Amount of Funding
- Brownfields Competitive Grant Process – Assessment, Revolving Loan Fund, and Cleanup (ARC) Grants FY2011
- What are the significant changes in this year's guidelines?
- Overview of ARC Threshold Criteria & Eligibility
- Quick overview of ARC Ranking Criteria
- Hints for Getting Started, Additional Resources, and Final Questions



# Warm up





# Brownfields Mission

- EPA's Brownfields Program is designed to empower states, communities, and other stakeholders in economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse brownfields. The Program provides financial and technical assistance for brownfield revitalization, including grants for:
  - Environmental assessment
  - Cleanup
  - Job training



# Brownfields Definition

*“... real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of hazardous substances, pollutants, contaminants, controlled substances, petroleum or petroleum products, or is mine-scarred land.”*

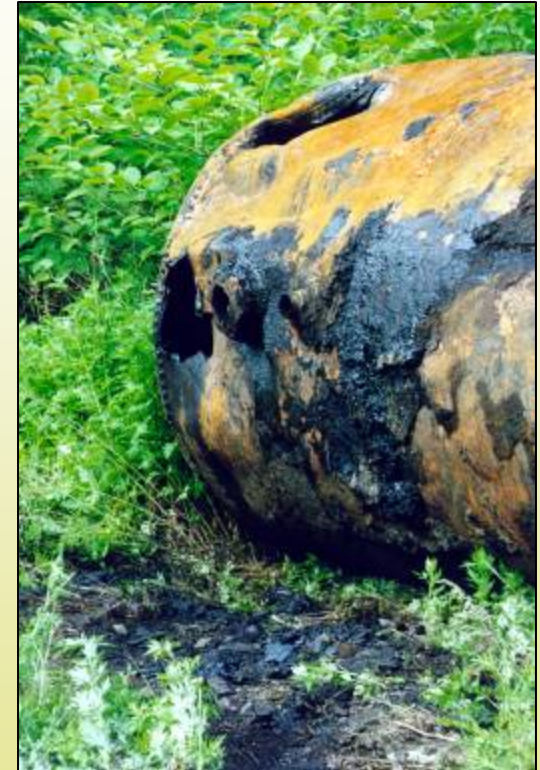




# “Hazardous Substances, Pollutants, and Contaminants”

- Hazardous Substances
- Petroleum Contamination
- Asbestos & Lead Paint
- Controlled Substances (e.g., Meth labs)
- Mine-Scarred Lands
- Other environmental contaminants

**Not sure? Ask us!**



*UST removal at Riverside Hills,  
Providence, Rhode Island*



# Benefits of Brownfields Revitalization

- Increases local tax base
- Facilitates new job growth
- Improves public health
- Utilizes existing infrastructure
- Takes development pressure off undeveloped land
- Prevents sprawl
- Supports cleaner air/GHG reduction
- Reduces habitat destruction
- Many more



*The revitalized Old Mill District in Bend, Oregon*



# EPA's Investment in Brownfields Grants

- *Since 1995*, EPA has awarded 1,911 brownfields grants totally more than \$595M. This has helped:
  - Assess more than 11,779 properties.
  - Leverage more than \$11 billion in brownfields cleanup and redevelopment funding from the private and public sectors.
  - Generate more than 48,238 jobs.





# EPA Brownfields Grants – Types and Amount of Funding Available





# Brownfields Assessment, Revolving Loan Fund, and Cleanup (ARC) Grants

- **A**ssessment
- **R**evolving Loan Fund (RLF)
- **C**leanup
- ❖ Grant types listed above commonly referred to as **ARC** Grants!
  - Also referred to as:
    - 104(k) grants
    - Competitive brownfields grants





# FY2010 Brownfields ARC Grant Program Summary

- EPA received over 697 proposals for 954 grants
- Funded 304 grants nationwide (\$79 million)
  - 188 assessment grants (37% success rate)
  - 99 cleanup grants (63% success rate)
  - 17 RLF grants (45% success rate)
- Region 10 awarded \$1M in new grants



# Assessment Grant Program

- To inventory, characterize, assess, and conduct area-wide planning and community involvement activities related to brownfield sites.
- **Community-wide, Site-specific (single site) and Assessment Coalition Grants.**
- **Community-wide**
  - Up to \$200,000 for hazardous substances and up to \$200,000 for petroleum.
  - Applicant can apply for both types of contaminants in **ONE community-wide assessment proposal** for a combined total of \$400k.



# Assessment Grant Program *(cont.)*

- Site-specific
  - Up to \$200,000 for petroleum or hazardous substances (or comingled)
    - ✓ Up to \$350K per property with approved waiver.
    - ✓ No more than 1 application per eligible entity.
    - ✓ Site Eligibility and Property Ownership Eligibility - *Threshold requirement.*



# Assessment Grant Program *(cont.)*

## **Assessment Coalitions**

- Up to \$1 million for hazardous substance and/or petroleum (e.g. \$500k hazardous, \$500k petroleum)
  - ✓ 3 or more eligible entities
  - ✓ Must assess a minimum of 5 sites
  - ✓ Coalition members are not eligible to apply for individual Community-wide or Site-specific Assessment grants in the year they apply as part of a coalition.



# Assessment Grant Program *(cont.)*

- Summary of options (Assessment Guidelines, p.5)

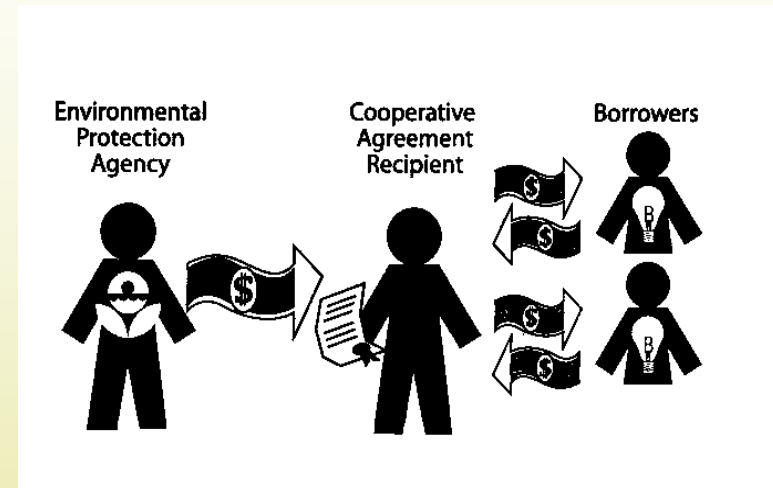
Community-Wide	Site-Specific	Coalition
Up to \$200,000 for hazardous substances <sup>1</sup> and \$200,000 for petroleum <sup>2</sup>	Up to \$200,000 for hazardous substances <sup>1</sup> or petroleum <sup>2</sup>	Up to \$1,000,000 for hazardous substances <sup>1</sup> and/or petroleum <sup>2</sup>
No waiver of funding limit	May request a waiver for up to \$350,000	No waiver of funding limit
Maximum combined amount \$400,000	Maximum amount \$350,000	Maximum amount \$1,000,000
May also apply for a site-specific grant; may not apply as a member of a coalition	May also apply for a community-wide grant; may not apply as a member of a coalition	May not apply for an individual community-wide or site-specific grant or as part of another coalition





# Revolving Loan Fund Grant Program

- To make low interest loans to carryout cleanup activities at brownfields properties.
- Up to \$1M per eligible entity
- Coalitions may apply
- (Minimum) 50% loans
- (Maximum) 50% cleanup subgrants
- Eligible for supplemental funding
- Cost share requirement of 20%





# Cleanup Grant Program

- To carry out cleanup activities at brownfield sites
- Up to \$200K per property
- Hazardous substances or petroleum contamination
- May apply for up to 3 properties: Separate proposals for each property
- Applicant applying for both hazardous substance and petroleum cleanup grant funding at the same site must submit ONE proposal, which cannot exceed \$200,000
- Non-profits may apply
- Cost share requirement of 20%



# Brownfields Competitive Grant Process

## ARC Grants FY2011





# FY2011 Application Timeline

- August 19, 2010 – ARC Request for Proposals (RFP) issued
- October 15, 2010– Proposal Submission Deadline
- March 2011\* – Approx. \$92 million (345 grants) awarded nationwide at National Brownfields Conference (Philadelphia, PA)

*\*tentative*





# FY2011 Summary of Significant Changes



- 20-page limit for all attachments
- ALL applicants required to answer sub-criterion on past performance.
- Incorporation of Area-Wide Planning into assessment grants.
  1. Assessment proposals focused on area-wide planning viewed more favorably if they plan to conduct assessment activities on at least one site.
  2. Proposals focused on conducting assessments need to explain how the work is consistent with a community plan.
  3. Applicants that have completed area-wide plans may receive additional consideration in FY2012 under the evaluation factors.
- Under *Community Engagement and Partnerships* criterion, applicants must address collaboration efforts with Brownfields job training programs (if present in your community).
- Flexibility for communities with no Community-Based Organizations in responding to CBO sub-criterion.
- Cleanup proposals may not need a completed Phase I assessment under threshold criteria unless its tied to a Bona Fide Prospective Purchaser defense to CERCLA liability.
- RLF grants now require a that a minimum of 50% of awarded funds be dedicated to cleanup loans, while no more than 50% may be used for sub-grants (shift from 60/40).





# Overview of ARC Threshold Criteria & Eligibility





# Threshold Criteria – Must Pass

- **Threshold Criteria** developed for ARC grants to:
  - Ensure applicants are eligible to receive assessment grants.
  - Increase likelihood of grantee success.
- **Applicant Responses to Threshold Criteria**
  - Regional Review
    - Pass/Fail
    - Must pass all
    - Failure means the proposal will not be entered in the national competition



# Threshold Criteria – Must Pass

- Applicant Eligibility (ARC)
- Letter from the State or Tribal Environmental Authority (ARC)
- Site Eligibility and Property Ownership Eligibility (Site-specific Assessment and Cleanup Only)
- Cost Share (RLF and Cleanup Only)
- Legal Authority to Manage a Revolving Loan Fund (RLF Only)
- Description of Jurisdiction (RLF Only)
- Cleanup Authority and Oversight Structure (RLF & Cleanup Only)
- Community Notification (Cleanup Only)



# ARC Applicant Eligibility

- All applicants must describe how they are an eligible entity in order to receive an ARC grant(s).
- Eligible entities are:
  - General Purpose Unit of Local Government (as defined under 40 CFR Part 31)
  - States and Federally Recognized Tribes\*
  - Quasi-government entities (e.g., regional councils, redevelopment authorities, economic development agencies, etc.)
  - **501(c)(3) Non-profits (Cleanup Grants Only)**

*\*Tribes in Alaska excluded from ARC eligibility except for Metlakatla Indian Community.*



## Applicant Eligibility (*cont.*) (**RLF/Assessment Applicants Only**)

### **Coalition Applicants**

- Three or More Coalition Members (Assessment Only);  
Two or More Coalition Members (RLF only)
  - All Separate Legal Entities
  - All Eligible Applicants

Include in proposal:

- Documentation that all members are eligible entities
- Coalition Members' Letters agreeing to be part of Coalition





# Applicant Eligibility (*cont.*)

## (Cleanup Applicants Only)

- **Site Ownership**
  - *Must have FEE SIMPLE TITLE* at the time of proposal submission.



## Letter from State or Tribal Environmental Authority (ARC Applicants)

- Provide a *current* letter from the state or tribal\* environmental authority acknowledging that the applicant plans to conduct or oversee assessment and/or cleanup activities and to apply for grant funds.
- If you are applying for multiple types of grant program activities, you only need one letter acknowledging all of your grant proposals. *However, you must provide the letter as an attachment to EACH proposal.*
- Provide your state/tribal environmental authority sufficient notice.

*\*Except for State or Tribal Environmental Authority themselves*



# Site and Property Ownership Eligibility

## (Site-Specific Assessment and Cleanup Applicants Only) (cont.)

### Sites That Are *NOT* Eligible

- Property on, or proposed for listing on, the National Priorities List
- Property subject to unilateral administrative orders, court orders, administrative orders on consent, or judicial consent decrees
- Property subject to the jurisdiction, custody, or control of the U.S. government\*

*\*Lands held in Trust by the U.S. Government  
are generally eligible for funding*



# Site and Property Ownership Eligibility

## (Site-Specific Assessment and Cleanup Applicants Only)

- The Brownfields Law prohibits EPA from providing grant funds to an entity that is considered potentially liable under CERCLA Section 107.
- CERCLA contains very broad liability provisions.
- Liability for site owners is highly dependent on *HOW* and *WHEN* the site was acquired.
- Therefore, site eligibility is dependent on *HOW* and *WHEN* the site was acquired.



# Site and Property Ownership Eligibility

## (Site-Specific Assessment and Cleanup Applicants Only) *(cont.)*

- **Ownership Eligibility**
  - Owner Liable Unless Exemption Applies
  - Common Liability Exemptions/Defenses
    - Involuntary
      - Tax Foreclosure
      - Eminent Domain
    - Bona Fide Prospective Purchaser
    - Innocent Landowner
    - Contiguous Property Owner



- If Exemption Applies, Site Eligible!





# Site and Property Ownership Eligibility

## (Site-Specific Assessment and Cleanup Applicants Only) *(cont.)*

- **Ownership Eligibility *(cont.)***
- **Bona Fide Prospective Purchaser (BFPP)**
  - Not Responsible For Contamination
  - Not Affiliated With Responsible Party
  - Jan 11, 2002, Criteria Not Applicable For Grant Purpose
  - Other Continuing Obligations
- **All Appropriate Inquiry**
  - ASTM E1527 Ph I Environmental Site Assessment
  - Prior To Acquisition
  - Current



# Site and Property Ownership Eligibility

## (Site-Specific Assessment and Cleanup Applicants Only) (cont.)

- **Petroleum Sites Only**
- Petroleum site applicants\* must provide answers to the petroleum threshold questions to the appropriate state contact in sufficient time for them to make an eligibility determination.
- **State** review based on statutory requirements to determine whether the site is:
  - Relative Low Risk,
  - No Viable Responsible Party,
  - Applicant Not Responsible Party, and
  - No RCRA Corrective Action.

*\*Tribal applicants submit their petroleum threshold answers to EPA with their proposal.*



# Site and Property Ownership Eligibility

## (Site-Specific Assessment and Cleanup Applicants Only) *(cont.)*

- **Hazardous Sites**
  - EPA Is Decision Maker
  - Applicant Can Not Be Potentially Liable under CERCLA
- **Petroleum Sites**
  - State Is Decision Maker **(Except for Tribes)**
  - State Petroleum Eligibility Letter
    - Request Early
    - Proposal Attachment



# Site and Property Ownership Eligibility *(cont.)*

## (Cleanup Applicants Only)

- Required to have an ASTM E1903-97 or equivalent Phase II site assessment report completed prior to proposal submission in order to best describe cleanup plan and estimated costs.



No longer required to have a completed AAI compliant Phase I unless its part of a BFPP defense.





# Quick Overview of ARC Ranking Criteria







# Ranking Criteria

- Proposal must have passed the “Threshold Criteria” to be “Ranked.”
- Four Ranking Criteria Sections for ARC Applicants:
  1. Community Need
  2. Project Description and Feasibility of Success
  3. Community Engagement and Partnerships
  4. Project Benefits



# Hints for Getting Started, Additional Resources, and Final Questions





# Why start now?

- This thing won't write itself!
- Eligibility questions can be tricky – call us!
- States need time to write letters
- This funding is *competitive* – not impossible – and ....



# Why start now?

## ...Critical points are won and lost on things that take time:

- A clear cohesive narrative that addresses all the criteria and sub-criteria.
- A well-written Community Need section that paints a picture of your target community with both data and narrative.
- A proposal that makes the connection between *people* and *brownfield sites*.
- A budget that is detailed and supported with a justification in the budget narrative.
- Partnerships with state/tribal environmental agencies, economic development agencies and Public Health where appropriate
- Partnerships with community-based organizations as evidence from quality letters of support.
- A description of project benefits that ties back to the target population and the sites.



# Hints for Getting Started

- Read the FY2011 Proposal Guidelines
  - Individual Program Booklets
- Attend the Region 10 online workshop/conference calls
  - Opportunity to ask questions on Ranking Criteria
- Contact your State or Tribal Environmental Authority
  - Initiates coordination through acknowledgment letter
  - Letters for Petroleum funding eligibility determination
  - Identify information resources, peer review, etc.
- Contact the Region 10 Brownfields Team with project eligibility questions
  - Eligibility can be complicated, call to help navigate through the requirements.
- CCLR is your friend
  - - Ignacio Dayrit, (415) 398-1080 x107, [Ignacio.Dayrit@cclr.org](mailto:Ignacio.Dayrit@cclr.org)





# Hints to Getting Started *(cont.)*

- Connect with the community(ies) and community-based organizations in your target area
  - Community Notification for Cleanup Grants
  - Letters of Support from community-based organizations
  - Set the project up for meaningful involvement
- Consider all the associated costs with assessment or cleanup.
  - Incorporate project requirements into your planning and costs of what it takes to manage an EPA grant (quarterly reporting, Endangered Species or Historic Preservation, Permits, etc.)

And remember...

This presentation is *NOT A SUBSTITUTE* for reading and closely following the detailed Guidelines!



# State Brownfield Leads in Region 10

- **Alaska Department of Environmental Conservation**  
Contact: John Carnahan  
Phone: (907) 451-2166  
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- **Idaho Department of Environmental Quality**  
Contact: Aaron Scheff  
Phone: (208) 373-0420  
Email: [aaron.scheff@deq.idaho.gov](mailto:aaron.scheff@deq.idaho.gov)
- **Oregon Department of Environmental Quality**  
Contacts: Gil Wistar  
Phone: (503) 229-5512  
Email: [Wistar.Gil@deq.state.or.us](mailto:Wistar.Gil@deq.state.or.us)
- **Washington Department of Ecology**  
Contact: John Means  
Phone: (360) 407-7188  
Email: [jmea461@ecy.wa.gov](mailto:jmea461@ecy.wa.gov)



# The Region 10 Brownfields Team

## *We're here to answer questions*

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# Web-Based Resources

- **FY11 ARC Proposal Guidelines**  
<http://www.epa.gov/brownfields/applicat.htm>
- **FY11 ARC Frequently Asked Questions (FAQ)**  
[http://www.epa.gov/brownfields/proposal\\_guides/FY11\\_FAQs.pdf](http://www.epa.gov/brownfields/proposal_guides/FY11_FAQs.pdf)
- **Region 10 Information on-line -**  
<http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/bf>



# Coming up!

- **Brownfields Grant Requirements 101**  
Tuesday, Aug 31, 2pm PST
- **Building a Winning ARC Proposal, Part I**  
Wednesday, Sept 8, 10am PST
- **Building a Winning ARC Proposal, Part II**  
Thursday, Sept 9, 2pm PST
- **ARC Question & Answer Sessions**  
Thursday, Sept 23, 10am PST  
Tuesday, Oct 5, 2pm PST  
Wednesday, Oct 6, 10am PST

*Toll Free Call in number : 1-866-299-3188*

*Conference Code: 907-271-1272*

*RSVP to Mary Goolie at [goolie.mary@epa.gov](mailto:goolie.mary@epa.gov)*